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Supreme Court of the United States

OCTOBER TERM, 1952

No. 340

WILLIAM B. FOWLER, APPELLANT,

vs.

STATE OF RHODE ISLAND

APPEAL FROM THE SUPREME COURT OF THE STATE OF RHODE ISLAND

APPENDIX TO BRIEF FOR APPELLANT

HAYDEN C. COVINGTON

Counsel for Appellant

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The quotations and references printed below from various publications establish the historic propriety of street and park preaching in European and Anglo-American history and religion. They run all the way back in secular history to King Ethelbert A.D. 597, and in Bible history to Noah at the time of the great flood and to Enoch, the first preacher of righteousness. These publications show that street and park preaching were the chief instruments of the Reformation and of men like Luther, Wesley, Huss, and Calvin.

I.

In J. Benson Hamilton's pamphlet, *Empty Churches and How to Fill Them,* New York, Phillips and Hunt, 1879, the need of street and park preaching is stated, "For reasons that need no explanation a large class of our people have a prejudice against our churches. They will not attend divine service in them whatever may be the attraction. To such the gospel must be preached by the way-side, on the street corner, at the sea-shore, in the mountain, in the woods." (p. 64)

II.

Edwin Hallock Byington, in his treatise, *Open-air Preaching,* Hartford, Connecticut, Hartford Theological Seminary, 1892, gives a complete history of street and park preaching in Europe, Britain, and the United States. He says:

> "Open-air preaching is not one of the 'new methods'. It was the original way of extending among men the revealed will of God. Not only is it 'as old as preaching itself' but for centuries it was the only kind of preaching. 'We are at full liberty to believe,' says Spurgeon, 'that Enoch, the seventh from Adam, when he prophesied, asked for no better pulpit than the hillside, and that Noah as a preacher of righteousness was willing to reason with his contemporaries in the shipyard.'" (p. 9)

> "Open-air preaching certainly has played a prominent part in the extension of the Church. It is the easiest and most effective way of pushing Christianity into new territory. Without it missionary work would be crippled, and all advance would be slow and uncertain. It ever has been the speediest method of reaching those outside the influence of the Church." (p. 25)

This book shows that one of the greatest events in early English missionary history occurred A.D. 597 when King Ethelbert attended service held on the Isle of Thanet, near the mouth of the Thames. This religious service was held in the open air. He was kindly disposed toward the missionaries. He said: "I will . . . not forbid you to preach, and convert as many as you can to your religion." (p. 18) This gave impetus to the open-air missionary work in Britain.

Mr. Byington gives the account of a typical public preacher, during the Reformation, at Worms: " . . . taking his stand on a rudely constructed pulpit in a square thronged with an immense multitude [he] proclaimed the glad tidings with persuasive earnestness. If the authorities showed a disposition to interfere, the people dispersed in an instant, hastily carrying off their pulpit; but no sooner had the officers of authority passed by than they again erected their pulpit." (p. 33)

Martin Luther is reported having an audience of 25,000 at Zwickau's market place. John Huss spoke at the public places of congregation such as the market places, streets and commons. (pp. 33-40) The book further shows that Wesley was active as an open-air preacher and that he preached in the parks and on the streets. He considered the world as his parish. (p. 71) Byington states: "The value placed by Wiclif [1320-1384] himself on the work done by these open-air preachers is shown by what he wrote for their guidance and in their defense." (p. 32)

Facts of history pointed out by Mr. Byington show that during the middle ages, and especially during the Reformation throughout all of Europe, the missionaries preached by the roadside. (pp. 19-21) To counteract the effect of the public preaching by the Protestants, "Rome sent forth her own open-air preachers, who overcame their influence by opposing them before the people in the street and market-place, and by attacking, in the name of the Church, some

of the evils denounced by Peter, Henry, Waldo and their followers . . . " (p. 29)

Byington continues:

> "There was Robert, founder of the Cistercian order of monks, who received from Pope Urban II permission to preach everywhere. As he traveled from town to town and from province to province, he did not regard his permission as limited to Churches, and preached on the highways and in the forests." (p. 30)

Byington also calls attention to the historical fact that St. Francis of the Catholic Church began his missionary work preaching in the streets of Assisi, and that Norbert, founder (A.D. 1120) of Premonstratensians began his work in a similar way. Further he states:

> "Of St. Dominic it is said that he preached to whatever people he met . . . along the highway." (p. 30) "Whatever we may think of its accuracy, the following statement by a Roman Catholic writer is suggestive: 'He is not a very profound student of history who does not know that Christian society was saved from falling into Lutherism by Pope Gregory the 9th sending Dominican and Franciscan preachers to tramp around the cities and villages of Europe, with hearty encouragement, to preach wherever they could, and with his full permission to set up an altar and say mass out of doors, indoors, by the roadside, under the trees, in a word, anywhere, if by such means they could readily assemble a crowd of people and preach to them.' Whether their influence was for good or for evil, the open-air preachers sent forth by the Romish Church for several centuries certainly were a tremendous power." (p. 31)

"At Armstadt, Gaspard Gittol, an Augustine friar, preached in the market-place." (p. 33)

Byington states that, "everything is brought to a man except the Gospel." (p. 72) Yet, God sent the "prophets to the people, not the people to the prophets". (p. 73). He also reproduces paintings of park preaching in Mildmay Park, London (p. 98) and in Regent's Park, London (p. 60).

In the introduction to Byington's book by Mr. A. F. Schauffler this statement is made:

> "Now if this matter of outdoor preaching were a new or an unscriptural thing, we might well pause and think it over very carefully before trying it. But since it is 'as old as the hills', and has abundant scriptural warrant, and the personal sanction of our Master, why under the sun should anyone pause for a moment? I fancy I see the Apostle Paul in a modern ministers' meeting . . . his remarks . . . 'I made a great mistake, and if I had my work to do over again I would not preach from the steps of the Tower of Antonia, or from Mars' Hill.' Perish the thought! I rather fancy he would utter some burning words about the lethargy of the modern Church in not taking advantage of every opportunity to make known the Gospel of the blessed Lord. . . . in modern times street-preaching has been abundantly used of God for the salvation of men. . . . In London I have seen street-preaching time and again. . . . In New York this same method has been adopted. . . . This I do with all my heart . . . commend the practice to all who wish to obey their Master's injunctions, and 'go out into the highways and hedges and compel them to come in.'" (pp. 6, 7, Introduction)

III.

Arthur T. Pierson in his book, *Evangelistic Work*, New York, The Baker and Taylor Company, 1887, reviews the street and park preaching of great evangelists in Britain and the United States. He covers, among many others, the life of George Whitefield (1714-1770) who was known as "the field evangelist".

He shows how Whitefield began his street and park ministry. The bishop locked him out of the church and as a result Whitefield retreated to the adjacent yard. The book states that "he was driven into the fields by the action of the ecclesiastics". (p. 173) After that he preached more than 18,000 sermons during a period of thirty years, both in the United States and in England. A few of his assemblies are cited on page 173 of this book. At Philadelphia he had 20,000, at Boston Common he had 30,000, and at Moorfield he had 60,000. The following quotation describes his activity as a preacher in the parks of his day:

> "He was *driven to the fields* by the action of the ecclesiastics at Bristol, shut out from the Churches, the taunt was flung at him, that if he would convert the heathen he might try his hand upon the Kingswood colliers. He took up the challenge, and on February 17, 1739, he first attempted to speak to these wild men on that wild common near Bristol [England]. A hundred of them came . . . but soon increased to twenty thousand." (p. 174) "Whitefield accepted the itinerant life of a field preacher, and led into the same path his illustrious contemporary, John Wesley." (p. 176)

Pierson shows that to this preacher the open field was his sanctuary. (p. 174)

IV.

During the last half of the 19th century street and park preaching in New York city was a common practice. See the report given by a leading street preacher in New York; Dr. John W. Kennion, to the Mayor of New York city: It is printed in pamphlet form, entitled "Report of Four Years' Labor of Love and Deeds of Mercy", Brooklyn, Eagle Job and Book Printing Department, 1880. He referred to open-air ministry as aggressive Christianity. Among other things he said in his report:

> "I had an interview with Mayor Wickham, in October, 1876, received his permission, endorsed by the Police Superintendent Walling, to preach the Gospel on the streets of Manhattan Island." (p. 7)
>
> "I have been engaged in lifting up Christ on the streets of our City . . . and during this time the public at large have almost unanimously conceded its necessity, utility and value as the mode best adapted to meet the requirements of the 'masses' who are without the glorious Gospel of Jesus Christ, and are not in circumstances to attend those places where the sound of salvation's trumpet is regularly heard. These street services reach that class of persons in the substrata of your community who are not approached or reached by any of our boards, associations, missionaries, . . . " (p. 3 of Introduction)

In his report Dr. Kennion states that his street services, "are often attended by large numbers of persons of all grades of society and of all denominations, including Protestants, Jews, Catholics, Rationalists, . . . " (p. 10)

He further states:

> "It is really surprising and gratifying to witness

> the avidity with which the multitude grasp at the hundreds of excellent 'seeds' in the line of wholesome tracts, generously furnished by the agents of the American Tract Society, regularly distributed before and after each service." (p. 11)

In conjunction with the street-preaching campaign of Dr. Kennion the New York *Herald* of July 7, 1879, made this comment:

> "Street preaching has begun again. It has its merits; the air of the sanctuary in which such sermons are given is sure to be good, so that the hearers are not compelled to go to sleep, and there is not much inducement for the worshipers to study each other's clothes and carriages."

One of Mr. Kennion's concluding remarks on the subject of street preaching is found in the poem, "Our Heathen at Home" (p. 24): "We tell them of Jesus on the street."

V.

The seventh Episcopal Bishop of New York, Henry C. Potter, in his book *Sermons of the City,* New York, E. P. Dutton and Company, 1881, shows that it was a common and customary thing to preach on the streets. He states in his book about the preaching methods of Christianity:

> "The new religion turned its footsteps to the market-place (p. 4) . . . it is thus that the religion of Christ has worked from the beginning. If it has triumphed anywhere, or at all, it has triumphed because it has made its appeal to the individual soul in the street, in the home, in the market-place, wherever it could find it—pressing upon it an individual message." (p. 7)

VI.

Thomas S. Bacon, in a pamphlet entitled "A Defense of Street Preaching", New Orleans, Louisiana, Sherman, Wharton & Company, 1856, reviewed the subject of public preaching in the streets and parks of Louisiana. He showed that the Protestant Episcopal Church early in England and in the United States made use of this instrumentality. Among other things he says:

> "The blessed Reformation was much helped forward in our mother country and mother church by zealous preaching in the open air to crowds of people all over the land." (p. 4)

He emphasized that street and park preaching have always been proper and accepted methods of evangelism in the nations of Christendom and Judea.

VII.

George Charles Smith, in the pamphlet *Preaching in the Open Air,* London, W. K. Wakefield, 1829, shows that the Baptist, Methodist, Presbyterian, Episcopal, and other churches, have from time immemorial employed street and park preaching. He points out that in England and Scotland even openings were knocked in the walls of the churches and pulpits built there so as to allow the ministers and bishops to preach to great crowds in the streets and adjacent grounds where the churches were too small to accommodate the crowds. See pages 4, 9, 10, 12, 25-28.

VIII.

See also a 55-page pamphlet by Greville Ewing entitled "A Defense of Itinerant and Field-Preaching", Second Edition, which was published by George Gallie at Glasgow in 1882.

This is a print of a sermon given by Greville Ewing, a clergyman, on December 24, 1797, in Lady Glenorchy's

Chapel in Edinburgh, Scotland. His sermon defended street and park preaching as necessary to meet the needs of the people. In it he stated that "the practice with regard to the preaching as described in our text, is not only warranted by ancient example but is in itself right and suitable, and ought still to be followed as highly expedient and necessary." (p. 19)

On page 33 of this pamphlet he states: "There is no faithful pastor of any denomination, whose hands will not be strengthened in the work of the Lord, by the preaching of the gospel in the streets and in the fields." (p. 33)

In the sermon he reviewed the history of street and park preaching beginning with the early prophets of the Bible and ending with the Protestant preaching in England and Scotland in the year 1797.

IX.

The common practice of using the parks as places of religious assembly is demonstrated by the recent Christmas-eve celebration of mass, attended by ten thousand persons, on Boston Common by the Roman Catholic Archbishop of Boston. According to a special dispatch from Boston to the New York *Times,* published on Thursday, December 25, 1952 (late city edition) at page 20, it is stated:

> "Boston, Dec. 24—The Most Rev. Richard J. Cushing, Roman Catholic Archbishop of Boston, celebrated mass on Boston Common this noon before a pre-Christmas throng estimated by the police at 10,000."

This use was in accordance with the accustomed practice. Historical records of the Boston Common show that "it is a 48 acre tract which was purchased from William (Blaxton) Blackstone in 1634 by the town of Boston and set aside for common use as a cow pasture and military training field, . . . contains the Old Central Burying

Ground . . . The Common is associated with many phases of the city's history. On it freedom of speech is a tradition. Here orators and would-be orators expatiate almost daily on the ills of the world and how to remedy them." See *The Encyclopedia Americana,* Vol. 4, pp. 295, 297-298, New York, Americana Corporation, 1942.

X.

In conclusion it is well to consider the poem by Richard Chenevix Tranch, "The Kingdom of God", published in part in *The Oxford Dictionary of Quotations,* London, Oxford University Press, 1941:

"I say to thee do thou repeat
To the first man thou mayest meet
In lane, highway, or open street
That he and we and all men move
Under a canopy of love
As broad as the blue sky above."

Respectfully submitted,

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